IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 919 OF 2005

Shri. Alam Anwar Batliwala ...Petitioner

Versus

State of Maharashtra & Anr ...Respondents

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Mr.Rajendra Sorankar, Advocate for Petitioner

Mr.Indrajit Joshi, Adv. for Respondent Nos. 2 & 3.

Mr. Rajesh More, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 19TH SEPTEMBER, 2005

P. C.:-

1. Leave to amend. Amendment to be carried out forthwith.

2. Heard learned advocate for the petitioner i.e. original accused, learned advocate for the respondent No.2 and 3 i.e. original complainants and the learned A.P.P. for the State. Respondent No. 2 i.e. original complainant is present in person.

3. The petitioner is praying for quashing of Criminal Case No. 789 of 2004 which is pending before the Sessions Court at Mumbai. The said case pertains to F.I.R. No. 229 of 2004 of Oshivara

police station. The said case is mainly under Section 365 of I.P.C.

4. The complainant who is present in person, has stated that petitioner and he, have amicably sorted out their grievances and the complainant does not wish to prosecute his complaint. The complainant has filed affidavit which is taken on record in which he has clearly stated that the disputes have been settled and he has no objection to the case being quashed. Reliance is placed on various decisions, wherein where the disputes are settled and the complainant did not wish to pursue his complaint, the complaint came to be quashed. The said decisions are;-

i). B.S. Joshi Vs. State of Haryana, AIR 2003 SC 1386,

ii) Fahimuddin Vs. State of U.P., AIR 1981 SC 2008(3),

iii) Judgment of the Division Bench of this Court in Cri. W.P. No. 1672 of 2002 dated 20.12.2002 (Alan Douglas Grant Vs. State of Mah.)

iv) Order dated 27.3.2001 passed by His Lordship Mr. Justice S.S. Parkar in Cri. W.P. No. 366 of 2001.

5. Looking to the fact that the complainant does not wish to pursue his complaint, I am of the opinion that this Court can consider the prayer of the petitioner and quash the prosecution in the said case. Hence, case No. 789 of 2004 pending before

the learned Sessions Judge at Mumbai and the proceedings relating thereto are quashed. Bail bond stand shall cancelled. Cash deposit towards bail amount be returned to the petitioner No.1.

6. Writ petition is disposed of.

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